

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GAUTAM PATEL, JALAL BHUIYAN, :
CONRAD DSOUZA, VICTOR MONTEIRO, :
SIMON MALDONADO, MOHAMMED FARID UDDIN, :
FAYSAL ABEDIN, ABDUL ALI, JAVIER :
SOBERAN PEREZ, MOHAMMED TAHER, :
RAJINDER SINGH, HARJINDER SINGH, :
JESUS MALDONADO, SANTIAGO REYES, :
ANWAR HUSSAN MALIK, MOHAMMED JAHANGIR :
ALAM, NEVILLE PEREIRA, and ALFREDO :
("PABLO JUNIOR") MALDONADO, on behalf :
of themselves individually and all others similarly situated, :

Plaintiffs, :

v. :

BALUCHI'S INDIAN RESTAURANT, :
KRAJ FOODS, INC., d/b/a/ :
BALUCHI'S, PARAMOUNT FOODS, INC., d/b/a/ :
BALUCHI'S, GATEWAY FOODS, INC, d/b/a/ :
BALUCHI'S, DOES 1-10, d/b/a/ BALUCHI'S and :
RAKESH AGGARWAL :

Defendants. :

Civ. Action No.:
08 CIV 9985 (RJS)(THK)

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PLAINTIFFS' MEMORANDUM OF LAW CONCERNING
OBJECTIONS TO THE SETTLEMENT

In accordance with the Court's order granting preliminary approval of the settlement, entered January 5, 2011 (the "Preliminary Order"), Plaintiffs submit this memorandum of law addressing objections to the Settlement.

As set forth in the Preliminary Order and the Notice to the Class, the deadline for filing objections to the Settlement was March 23, 2011. At this time, Plaintiffs are not aware of any objections to the Settlement. The absence of objectors strongly supports final approval of the Settlement. *See, e.g., D'Amato v. Deutsche Bank*, 236 F.3d 78, 86-87 (2d Cir. 2001) (small

number of objectors (18 from a class of 27,880, or approximately .06% of the total Class), weighed in favor of settlement).

In addition, there have been only two requests for exclusion from the Settlement, copies of which are attached hereto as Exhibit A. The deadline for filing requests for exclusion was March 9, 2011. The small number of requests for exclusion, representing approximately 1.7% of the Class, additionally favors final approval of the Settlement. *See Diamond v. Fogleman*, 1992 U.S. Dist. LEXIS 9734, at *9 (E.D.N.Y. June 24, 1992) (the reaction of the class favored settlement approval where requests for exclusion represented 1.97% of the Class).

For the reasons set forth herein, and in Plaintiffs' Memorandum Of Law In Support Of Final Approval Of Class Action Settlement, Plaintiffs respectfully request that the Court grant final approval of the Settlement.

Dated: March 30, 2011
New York, New York

GISKAN SOLOTAROFF ANDERSON & STEWART LLP

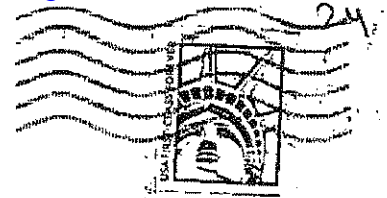
By: Catherine E. Anderson
Catherine E. Anderson (CA 5129)
Darnley D. Stewart (DS 0835)
11 Broadway, Suite 2150
New York, NY 10004
(212) 847-8315

Attorneys for Plaintiffs and the Class

EXHIBIT A

NEW YORK NY 100

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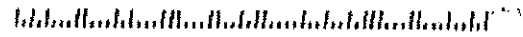


FROM
NFI KHUKAN
162 STANTON ST
11F
N.Y - 10012

To

Patel v Baluchi's settlement
Settlement Administrator
c/o A.B Data Ltd
P.O. BOX 170500
Milwaukee
WI 53217-8042

53217+8042



Patel v Baluchi - 45349

8252881



MAR 07 2011

Patel verses baluchis settlement

I NFN KHUKAN donot want to participate in the settlement.

I want to exclude myself in this case.

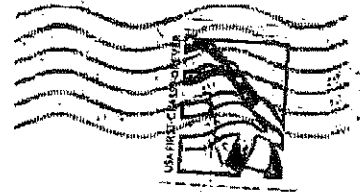
I donot want to be a part of this settlement
(Patel verses baluchis settlement)

KHOKAN

Baluchis
329 3rd ave
ny, 10010

NEW YORK NY 100

04 MAR 2011 PM 11 T



FROM
AL. Amjad
97-08, 25th Ave
East ELMHURST
N.Y - 11369

33217+8042

111

To
Patel v Baluchi's Settlement
Settlement Administration
C/O A.B. Data Ltd
P.O. Box 170500
MILWAUKEE
WI 53217-8042

Patel v Baluchi - 45349

8252882



Patel verses baluchis settlement

MAR 07 2011

I **ALI AMJAD** donot want to participate in the settlement.

I want to exclude myself in this case.

I donot want to be a part of this settlement
(Patel verses baluchis settlement)

A handwritten signature in black ink, appearing to read 'Ali Amjad' with a stylized, cursive script.

Baluchis
329 3rd ave
ny,10010